

UNITED STATES DISTRICT COURT JUL 07 2016

for the

District of New Mexico

MATTHEW J. DYKMAN
CLERK

United States of America)

v.)

Noel FELIX)

Case No. 16mj2855

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 7/6/2016 in the county of Bernalillo in the
Judicial District of New Mexico, the defendant(s) violated:

Code Section

21 USC 846 (a) (1), (b) (1) (A)

Offense Description

Possession more than one kilogram of
heroin with intent to distribute

This criminal complaint is based on these facts:

*** SEE ATTACHED AFFIDAVIT ***

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 7/7/2016City and state: Albuquerque, New Mexico

Complainant's signature

S/A Jarrell W. Perry, Special Agent

Printed name and title



Judge's signature

Kirtan Khalsa, US Magistrate Judge

Printed name and title

AFFIDAVIT

On July 6, 2016, Special Agent (S/A) Jarrell W. Perry, DEA S/A Gerald Maestas and DEA Task Force Officer (TFO) Clarence Davis were at the Greyhound Bus Station in Albuquerque, New Mexico to check the eastbound Greyhound Bus that makes a regularly scheduled stop in Albuquerque, New Mexico. S/A Perry observed a male, later identified as Noel FELIX, walk off of the bus with a black colored, rolling type suitcase in his possession. S/A Perry approached FELIX, who was standing in the breezeway area of the Greyhound Bus Station. S/A Perry displayed his badge and identified himself as a police officer to FELIX, and asked for and received consent to speak to FELIX. During the conversations, S/A Perry learned from FELIX that he was traveling to from San Bernardino, California to Albuquerque, New Mexico for three days. S/A Perry asked FELIX for permission to see his bus ticket and identification, which FELIX provided to S/A Perry. As FELIX was handing the two documents to S/A Perry, S/A Perry observed that FELIX's hand was visibly shaking. S/A Perry also observed that FELIX's lower lip was quivering when speaking with S/A Perry. FELIX said that his cousin was picking him up at bus station but, only knew his cousin's first name, "Ernesto." S/A Perry observed the black colored, soft-sided "Lucas" brand suitcase in front of FELIX's feet as S/A Perry was speaking with him. S/A Perry asked FELIX if he had any luggage with him and FELIX said no. S/A Perry asked FELIX if the black colored, soft-sided "Lucas" brand suitcase belonged to him and FELIX said yes. S/A Perry asked FELIX for permission to search his black suitcase for contraband and FELIX said no. S/A Perry asked FELIX if he had any weapons or drugs inside of the black colored, soft-sided "Lucas" brand suitcase and FELIX said no. S/A Perry observed that FELIX did not make eye contact with S/A Perry when S/A Perry asked FELIX if he had drugs inside of the suitcase and that FELIX had earlier made eye contact with S/A Perry during their conversation. S/A Perry asked FELIX if he would allow a narcotics canine to conduct a sniff of his black suitcase and FELIX agreed.

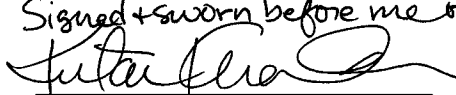
A few minutes later, K-9 Officer Campos arrived at the Greyhound Bus Station with his trained and certified narcotics canine, "Kimba." K-9 Officer Campos deployed his

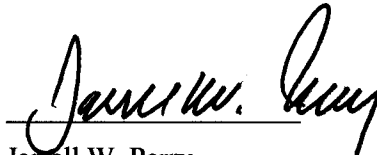
trained and certified narcotics canine, "Kimba" on FELIX's black colored, soft-sided "Lucas" brand suitcase. K-9 Officer Campos informed S/A Perry that "Kimba" alerted to the black colored, soft-sided "Lucas" brand suitcase for the odor of illegal narcotics. "Kimba" was last certified in September, 2015 by the California National Canine Association and the Department of Public Safety in New Mexico in December, 2015 to detect controlled substances including methamphetamine, cocaine, heroin, marijuana, and their derivatives.

S/A Perry obtained a federal search warrant to search the contents of FELIX's black colored, soft-sided "Lucas" brand suitcase, which was signed by United States Magistrate Judge Kirtan Khalsa. S/A Perry, S/A Maestas and TFO Davis executed the federal search warrant and searched the contents of FELIX's black colored, soft-sided "Lucas" brand suitcase which revealed two clear plastic bundles concealed inside the inner lining of the black suitcase. S/A Perry knew from his experience that the bundles and their contents were consistent with illegal narcotics. S/A Perry and TFO Davis cut into both bundles, which revealed a brown colored hard-like substance.

S/A Perry and TFO Davis weighed the two bundles, for a total weight of approximately 3.00 gross kilograms (6.72 gross pounds). S/A Perry and TFO Davis field-tested the brown colored hard-like substance from one of the bundles, which revealed a positive reaction for the presence of heroin.

This affidavit is submitted for the limited purpose of providing probable cause to support the attached criminal complaint.

Signed + sworn before me on 7/7/16

United States Magistrate Judge


Jarrell W. Perry
Special Agent
Drug Enforcement Administration